

In re Tesla, Inc. Securities Litigation, Case No. 3:18-cv-04865-EMC (N.D. Cal.)
Defendants' Disclosures for Day 5 - January 24, 2023

| Witness | Ex. | Plaintiff's Objection | Defendants' Response | Ruling |
|----------------|------------|------------------------------|-----------------------------|---------------|
| Aaron Chew | 11 | No objection | N/A | |
| Dan Dees | 8 | No objection | N/A | |
| Dan Dees | 12 | No objection | N/A | |
| Dan Dees | 101 | No objection | N/A | |
| Dan Dees | 186 | No objection | N/A | |
| Dan Dees | 199 | No objection | N/A | |
| Dan Dees | 201 | No objection | N/A | |
| Dan Dees | 231 | No objection | N/A | |
| Dan Dees | 234 | No objection | N/A | |
| Dan Dees | 235 | No objection | N/A | |
| Dan Dees | 243 | No objection | N/A | |
| Dan Dees | 244 | No objection | N/A | |
| Dan Dees | 250 | No objection | N/A | |
| Dan Dees | 251 | No objection | N/A | |
| Dan Dees | 252 | No objection | N/A | |
| Dan Dees | 253 | No objection | N/A | |
| Dan Dees | 254 | No objection | N/A | |
| Dan Dees | 256 | No objection | N/A | |
| Dan Dees | 261 | No objection | N/A | |
| Dan Dees | 263 | No objection | N/A | |
| Dan Dees | 265 | No objection | N/A | |
| Dan Dees | 266 | No objection | N/A | |
| Dan Dees | 361 | No objection | N/A | |
| Dan Dees | 817 | No objection | N/A | |
| Dan Dees | 818 | No objection | N/A | |

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| Witness | Depo. | Plaintiff's Objection | Defendants' Response | Ruling |
|----------------|----------------------------|---|--|---------------|
| Aaron Chew | 42:20-23 | No objection | N/A | |
| Aaron Chew | 47:15-47:18 48:12-48:17 | No objection | N/A | |
| Aaron Chew | 84:13-86:7 | No objection | N/A | |
| Aaron Chew | 91:7-22 | No objection | N/A | |
| Aaron Chew | 108:5-7 | Fed. R. Evid. 701. Mr. Chew gives an expert opinion that he could not reach out to shareholders beforehand "Because it's illegal." This is improper lay person testimony. There is no basis for Mr. Chew's opinion that it would be illegal to reach out to some shareholders beforehand. | Plaintiff designated Mr. Chew's testimony that the law would not allow Mr. Musk to disclose material, non-public information to <i>some</i> shareholders but not others: "[B]ecause of Reg FD and material non-public information, there was no -- <i>you couldn't have reached out to shareholders beforehand to get their opinion.</i> " However, Plaintiff seeks to omit the remainder of Mr. Chew's testimony (just one line) wherein he explained his understanding that sharing material, non-public information would violate Reg FD. Mr. Chew's testimony must be included for completeness. Further, Mr. Chew was not giving expert testimony; he was explaining why Mr. Musk/Tesla must disclose material, non-public information to the market as a whole, not selectively. | |
| Aaron Chew | 128:13-16 | No objection. | N/A | |
| Aaron Chew | 129:18-130:07 | No objection. | N/A | |